

**Recommendation Report for Planning Permission**

**REF NO:** R/238/14/PL

**LOCATION:** Land west of Paddock Place  
(Little Fosters)  
Tamarisk Way Rustington

**PROPOSAL:** 1No. dwelling & associated landscape works Resubmission of EP/58/14/PL

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

The proposal relates to the provision of a large chalet style detached 3 bedroom. It would be part flat roofed on single storey projections to the east and west and the central 2 storey section would have a pitched plain clay tiled. An attached garage is proposed which includes space for cycle parking. Access to the site would be gained via the existing entrance from Angmering Lane at its junction with Tamarisk Way. Parking and turning facilities are included in the proposal. The elevational treatments of the dwelling would be render and facing brickwork.

**SITE AREA**

0.5 hectares

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** 2 dwellings per hectare

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

Walling to boundary with Paddock House approximately 1.8m high. To north 1.8m high close boarded fencing.

**SITE CHARACTERISTICS**

Open grassed area. No buildings existing on site. The site is enclosed by existing private dwellings to the east, west and north. Beach and greensward abut site to south.

**CHARACTER OF LOCALITY**

The site is located within a private residential estate characterised by mainly detached 2 and 3 storey dwellings of traditional design in large plots. The property to the north has been converted into flats and forms a significant feature within the locality having a tower section to its west elevation.

## RELEVANT SITE HISTORY

The application follows an earlier withdrawn application EP/58/14/PL which had the same footprint and layout, but different central elevational treatment.

## REPRESENTATIONS

### Representations received:

Rustington Parish Council

East Preston Parish Council

No Objection

East Preston Parish Council - No Objection

One letter of Objection to 8 parking spaces in addition to garage parking and the noise that would arise from manoeuvring vehicles. Ditch should not be filled in. Hedging should be retained

### Comments on Representations received:

The parking area is not considered excessive for the proposed dwelling. Tree planting will be reinforced along the boundary which would reduce the noise generated to adjoining properties. In filling of ditches is not proposed. The Environment Agency have no objection to the proposal.

## CONSULTATIONS

Environment Agency

Engineering Services Manager

Engineers (Fluvial Flooding)

### Consultations responses received:

Engineers - No Objection. Imposition of standard conditions requested. Applicant should contact Engineers regarding the position of a culverted ditch.

Environment Agency - No Objection. Condition relating to finished floor levels is requested.

County Highways - No highway concerns. Condition relating to submission of details and provision of secure and covered cycle storage suggested.

### Comments on Consultation responses:

Comments noted. Conditions requested by Engineers have not been imposed since drainage for single dwellings are dealt with by Building Regulations. A condition has been suggested relating to the culverted ditch.

## POLICY CONTEXT

Designation applicable to site:

Within Built up Area

Public sewer on site

## DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)  
[GEN7](#)  
[GEN9](#)  
[GEN12](#)

Built-up Area Boundary  
The Form of New Development  
Foul and Surface Water Drainage  
Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE**

EPDS

East Preston Village Design Statement

**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would

have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **CONCLUSIONS**

##### **Background**

The site lies within the built up area boundary where residential development is acceptable in principle subject to there being no adverse effect on residential or visual amenity.

##### **Visual Amenity and Character of the Area**

The proposal would result in the provision of a dwelling on one of the few remaining undeveloped plots on the estate. The plot size is larger than those adjoining and the provision of a centrally sited, part single and part 2 storey dwelling on the site is acceptable and would be in keeping with the general pattern of development in the locality. The footprint is modest in relation to the size of the site. A large landscaped garden area would be provided which is similar in size and orientation to the neighbouring property Paddock Place. The dwelling would have an overall height of 6.4m and given its well screened location and low profile it would not be readily visible in the locality or appear prominent or obtrusive from the site entrance or the greensward to the south.

The design and materials reflect those of adjoining properties and would not result in material harm to visual amenity. The area is characterised by large properties of varying traditional design with no particular uniform style and the proposal would not detract from this character. The proposal includes flat roofed wings and other flat roofed modern style properties have been approved adjacent to the greensward east of the site.

##### **Residential Amenity**

The proposed dwelling would be centrally sited on the plot. At its closest point to neighbouring property boundaries where the development is single storey it would be 10.9m and the closest 2 storey section would be 15m. Given these distances the development would not result in any materially adverse effects on residential amenity by reason of overlooking or overbearing effects. The internal room sizes and garden size comply with the space standards in policies DDM2 and DDM3 of the Emerging Local Plan.

##### **Highways and Parking**

The car parking provision does not exceed WSCC maximum car parking standards. The vehicular access to the site is existing.

##### **Conclusion**

The application is therefore recommended for approval subject to the following conditions.

#### **HUMAN RIGHTS ACT**

##### **FOR APPROVAL**

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (the right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

#### **SECTION 106 DETAILS**

The application would have been subject to a signed affordable housing agreement however it must be determined by reference to current policy as of the date of decision.

The Affordable Housing Policy was superseded by paras 13-21 NPPG which now governs the matter.

So the planning obligation is no longer a material planning consideration and contributions will not be sought

#### **RECOMMENDATION**

##### **APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans 4112-01, 4112-03A, 4112-04A, 4112-5B, 4112-6A, 4112-7A, 4112-8A,

4112-9 and 4112-10.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2014 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 6.35 m above Ordnance Datum (AOD).  
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: To reduce the impact of flooding on the proposed development and future occupants.

In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 6 The development shall proceed in accordance with the mitigation referred to in the Ecological Scoping Survey Report dated 23rd June 2009, submitted with the application.

To ensure protection of species and habitats in accordance with the NPPF.

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 8      INFORMATIVE: A culverted watercourse is likely to run along the line of the ditch within the property. This must be investigated to determine its exact location and purpose. The applicant is advised to contact Engineers regarding investigating the culvert and ditch.
- 9      INFORMATIVE: For the avoidance of doubt this permission is not subject to an Affordable Housing Agreement. The signed Agreement was superceded by paras 13-21 NPPG and is no longer material to determination of the application.